

REMARKS

Claims 55, 59, and 70 are pending in the application. Claims 55, 59, and 70 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nabatame (U.S. 2004/0214392) in combination with Joo, et al. (U.S. 2002/0056839). Claims 55, 59 and 70 also stand rejected under 35 U.S.C. 103(a) as being unpatentable over Agarwai, et al. (U.S. 6,165,834) in combination with Marsh (U.S. 6,541,067) and Joo, et al. (U.S. 2002/0056839). Applicant requests the Examiner reevaluate these rejections in view of the arguments that follow.

Referring first to the rejections of the claims based on Nabatme and Joo, the Examiner asserts that Nabatme (at paragraph 22) describes a reducing atmosphere as recited in pending claim 55. Nabatme does not describe this limitation. Nabatme describes a cyclopentadiene complex dissolved in tetrahydrofuran, toluene, hexane, or octane. In contrast, claim 55 recites exposing the precursor to a reducing atmosphere to release the metal from the precursor to form the second conductive material. Neither Nabatme nor Joo teach or suggest this limitation. As the cited references do not teach or suggest all the limitations of claim 55, claim 55 is allowable.

Claims 59 and 60 depend from claim 55 and are allowable for at least the reasons given above regarding claim 55.

Turning next to the rejection based on Agarwai, Marsh, and Joo, the Examiner has improperly asserted art of common ownership. For example, the Marsh reference upon which the Examiner relies to meet the limitation of exposing the precursor to a reducing atmosphere to release the metal from the precursor to form the second conductive material issued April 1, 2003. The present application was filed August 16th, 2001 qualifying the

Marsh reference as 102(e) art for purposes of 35 USC 103 (c) which recites that "Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person." As Marsh cannot preclude patentability, the rejection based on Marsh must be withdrawn. As such, claim 55 and claims 59 and 60 depending therefrom are allowable.

Claims 55, 59 and 70 are believed to be in condition for allowance and Applicant requests allowance of claims 55, 59 and 70 in the Examiner's next action. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the Examiner is requested to contact the undersigned at (509) 624-4276 between 8:00 a.m. and 5:00 p.m. (PST).

Respectfully submitted,

Dated: 2/21/06

By: 
Robert C. Hyta
Reg. No. 46,791

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